

REMARKS

The Examiner has rejected claims 21, 27, and 29 as being obvious under 35 U.S.C. 103(a), in light of Potter (US Pat# 5,342,321) in view of Haber (US Pat#4,850,953) and indicated the rejection to be final. Claims 33-43 have been allowed, and Examiner states that claims 22-26, 28 and 30-32 would be allowed in written in independent form.

As an initial note, Applicant objects to the office action being made final. Claim 29 was not amended in the prior office action to overcome cited art. Therefore, it cannot be said that the new grounds of rejection were required the Applicant's amendments and a final rejection should not have been entered. However, as noted below, each of the pending claims should be allowed.

With respect to the art based rejections, Applicant maintains that Potter and Haber do not teach or make obvious claim 21. Claim 21 states that the "retaining member having an inflatable ring portion attached to the second end and spaced away from the stoma tube." This is shown in Figure 9 of the present application. Neither Potter and nor Haber teach of a retaining member that is attached to the second end and spaced away from the stoma tube. In fact, Potter and Haber both have rings which surrounds the stoma tube and the stoma tube itself forms the interior of the ring. Thus, neither reference has the elements of claim 21, and claim 21 and all dependent claims should be allowed.

Claim 29 should be allowed for neither Potter or Haber claim an inflation line that runs the length of the stoma tube. Claim 29 claims "an inflation line configured with said stoma tube extending between said first end and said second end." With respect to claim 29, the inflation

line of Haber does not extend between the first and second end. Rather, the inflation line ends well short of the second end. In fact, in both Potter and Haber the balloon does not extend to the second end, so it would make no sense to have the inflation line reach that far. In light of these differences, claim 29 and all claims depending therefrom should be allowed. Should the Examiner determine that any adverse action is necessary, it is requested that the Examiner contact Applicants' attorney, Randall B. Bateman, so that such matters can be resolved as expeditiously as possible.

The Commissioner is hereby authorized to debit any amount owing or to credit any overpayment to Account No. 502720.

Respectfully Submitted,

BATEMAN IP LAW GROUP

A handwritten signature in black ink, appearing to read "Randall B. Bateman". The signature is fluid and cursive, with a large, stylized "B" and "R" at the beginning.

Randall B. Bateman
Reg. No. 37,774

4 Triad Center, Suite 825
305 West North Temple
P.O. Box 1319
Salt Lake City, UT 84110
801.533.0320